

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPLANT WITH COMPOSITE COATING

the specification of which

_____ is attached hereto.

X was filed on May 14, 1998 as Application No. 09/079,502.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section... The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

Yes

No

(Number)

(Country)

(Day/Month/Year Filed)

Yes

No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

 (Application Serial No.)

 (Filing Date)

 (Patented, Pending, Abandoned)

 (Application Serial No.)

 (Filing Date)

 (Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Paul Davis	29,294
Mark A. Haynes	30,846
John J. Bruckner	35,816
Charles C. Cary	36,764
David J. Weitz	38,362
Kent R. Richardson	39,443
U.P. Peter Eng	39,666
George A. Willman	41,378

Address all correspondence to:

John J. Bruckner
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Direct all telephone calls to John J. Bruckner at (650) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Alfred S. Despres, III

Alfred S. Dargatzis
10/20/98

10/20/98

U.S.A.

Davis, California

2313 Muir Woods Place, Davis, CA 95616

Eugene J. Elwood

Eugene E. Brown
10/9/98

10/9/55

U.S.A.

Cedar Knolls, NJ 07927

100 Grand Avenue, Cedar Knolls, NJ 07927

Robert R. Aharonov

B. Barona

10/9/98

U.S.A.

Rockaway, NJ 07866

5 Cayuga Avenue, Rockaway, NJ 07866

Peter Ehlers

Federal Republic of Germany

Allensbach, Germany

Zum Walzenberg 15, D-78476 Allensbach, Germany

[illegible]

Full name of fifth joint

inventor, if any:

Knut Andersen

Inventor's signature:

Date:

Citizenship:

Federal Republic of Germany

Residence:

Allensbach-Hegne, Germany

Post Office Address:

Schlossberg Strasse 32A, D-78476 Allensbach-Hegne, Germany

00001210 070001

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identified below any foreign application for patent or inventor's certificate on this invention
having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

Yes

No

(Number)

(Country)

(Day/Month/Year Filed)

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(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)
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Full name of sole or
first inventor: Alfred S. Despres, III
Inventor's signature: _____
Date: _____
Citizenship: U.S.A.
Residence: Davis, California
Post Office Address: 2313 Muir Woods Place, Davis, CA 95616

Full name of second joint
inventor, if any: Eugene J. Elwood
Inventor's signature: _____
Date: _____
Citizenship: U.S.A.
Residence: Cedar Knolls, NJ 07927
Post Office Address: 100 Grand Avenue, Cedar Knolls, NJ 07927

Full name of third joint
inventor, if any: Robert R. Aharonov
Inventor's signature: _____
Date: _____
Citizenship: U.S.A.
Residence: Rockaway, NJ 07866
Post Office Address: 5 Cayuga Avenue, Rockaway, NJ 07866

Full name of fourth joint
inventor, if any: Peter Ehlers
Inventor's signature: P. Ehlers X
Date: 26. 11. 98
Citizenship: Federal Republic of Germany
Residence: Allensbach, Germany
Post Office Address: Zum Walzenberg 15, D-78476 Allensbach, Germany

Full name of fifth joint

inventor, if any:

Knut Andersen

Inventor's signature:

Vest Andersen

Date:

26.11.98

Citizenship:

Federal Republic of Germany**Residence:**

Allensbach-Hegne, Germany

Post Office Address:

Schlossberg Strasse 32A, D-78476 Allensbach-Hegne, Germany

Figure 1

Applicant or Patentee: Alfred S. Despres III; Eugene J. Elwood; Robert R. Aharonov; Peter Ehlers; and Knut Andersen

Application or Patent No.: Not yet assigned

Filed or Issued: May 14, 1998

For: IMPLANT WITH COMPOSITE COATING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.90(f) and 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Hayes Medical, Inc.

Address of Concern: 819 Striker Avenue, Suite 10, Sacramento, California 95834-1129

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled

IMPLANT WITH COMPOSITE COATING

by inventor(s) Alfred S. Despres III; Eugene J. Elwood; Robert R. Aharonov; Peter Ehlers; and Knut Andersen described in

- ☐ the specification filed herewith
☒ Application No. Not yet assigned, filed May 14, 1998
☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below¹ and no rights to the invention are

¹ NOTE: Separate verified statements are required from each named person, concern or organization having

(continued...)

held by any person, other than the inventor, who would not qualify as an individual inventor under 37 CFR 1.9(c), if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Name _____

Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name _____

Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.

Name of Person Signing: Carolyn Preising

Title of Person Other Than Owner: Patent Counsel

Address of Person Signing: 819 Striker Avenue, Suite 10, Sacramento, California 95834-1129

Signature: Carolyn H. Preising Date: 8/1/98

¹(...continued)

rights to the invention averring to their status as small entities. (37 CFR 1.27).